

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 1:08-CV-747

v.

Hon. Janet T. Neff
U.S. District Judge

FIRST CARIBBEAN INTERNATIONAL
BANK, CHECK NO. 223546, et al.,

Defendants.

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MOTION TO DISMISS

The United States of America, through its attorneys, Donald A. Davis, United States Attorney for the Western District of Michigan, and Matthew G. Borgula, Assistant United States Attorney, moves this Court pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure for an order dismissing the Complaint for Forfeiture *In Rem* that initiated this civil action. The subject property will be used for restitution in the related criminal case (File No. 1:05-CR-151, Hon. Judge Neff) pursuant to court order, and accordingly is no longer available for forfeiture.

WHEREFORE, the United States of America respectfully requests that this Court dismiss the forfeiture action without prejudice and without costs.

Respectfully submitted,

DONALD A. DAVIS
United States Attorney

Dated: December 22, 2008

/s/ Matthew G. Borgula
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